

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	NO. 1:05-CR-00030
	:	
	:	
v.	:	
	:	OPINION AND ORDER
	:	
TRACY BUSCH.	:	
	:	

This matter is before the Court on Defendant's Motion for An Ex Parte Hearing Under 18 U.S.C. § 3006A(e)(1) for the Authorization of Funds for Expert Services (doc. 57), the United States' Response in Opposition (doc. 59), and Defendant's Reply (doc. 60).

On September 21, 2005, a jury found Defendant guilty of being a felon in possession of a firearm and ammunition (doc. 55). He seeks authorization of funds for an expert pursuant to 18 U.S.C. § 3006A(e)(1), which allows for appropriation of funds for an investigator, expert, or other service provider (doc. 57). The United States opposes the request, arguing that as Defendant has been convicted, he does not need pre-trial investigative services (doc. 59). Defendant replies that he is not requesting funds for an investigator, but he is seeking an expert for sentencing purposes (doc. 60).

Having reviewed this matter, the Court does not find Defendant's request well-taken. Under United States v. Clark, 385

F.3d 609 (6th Cir. 2004) citing United States v. Gilmore, 282 F.3d 398, 406 (6th Cir. 2002), the Court must consider whether such requested services are necessary to mount a plausible defense, and whether without such authorization the defendant's case would be prejudiced. In this case, Defendant made no defense in the case, nor offered an opening statement, nor evidence, nor a closing statement. As for sentencing purposes, the Court finds no reason that Defendant's sentencing will be prejudiced absent such an authorization.

Accordingly, the Court DENIES Defendant's Motion for an Ex Parte Hearing Under 18 U.S.C. § 3006A(e)(1) for the Authorization of Funds for Expert Services (doc. 57).

SO ORDERED.

Dated: October 5, 2005

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge